

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERALD PITTMAN,

Plaintiff,

v.

RICHARD KOLB,

Defendant.

Case No. 07-14892

Hon. John Corbett O'Meara

**ORDER GRANTING DEFENDANT'S
MOTION TO QUASH WRIT OF HABEAS CORPUS**

Before the court is Defendant's motion to quash writ of habeas corpus, which was filed on October 3, 2012, and has been fully briefed. On October 3, 2012, the court entered a writ of habeas corpus for Robert Winburn, so that he could be present to testify at trial. Defendant objects because Winburn was not listed as a witness on the joint final pretrial order. Plaintiff contends that Winburn should be permitted to testify as a rebuttal witness.

Generally, the court does not permit witnesses who are not listed on the joint final pretrial order to testify at trial. Local Rule 16.2(b)(8) provides: "Only listed witnesses will be permitted to testify at trial, except for rebuttal witnesses whose testimony could not be reasonably anticipated before trial, or except for good cause shown." Plaintiff has not shown good cause or that Winburn's testimony could not be reasonably anticipated before trial.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to quash writ of habeas corpus is GRANTED.

s/John Corbett O'Meara
United States District Judge

Date: October 10, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 10, 2012, using the ECF system.

s/William Barkholz
Case Manager